

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**BECKLEY DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

**MEMORANDUM OPINION AND ORDER**

The Court has reviewed *The Associated Press' Motion to Intervene for the Purpose of Moving the Court to Direct the Clerk to Provide Public Access to the Names of Jurors Seated at the Trial of this Case* (Document 511).


The Court has previously addressed the issue of intervention in this case, and refers the movant to this Court's January 7, 2015 *Memorandum Opinion and Order* (Document 63), granting in part and denying in part the *Motion of the Wall Street Journal, the Associated Press, Charleston Gazette, National Public Radio, Inc., and the Friends of West Virginia Public Broadcasting, Inc., to Intervene for the Limited Purpose of Moving the Court to Reconsider and Vacate the November 14, 2014 Gag and Sealing Order*, where the Court noted that it was unclear "whether a motion to intervene in the criminal law context is the appropriate vehicle for airing the Movant's grievances." (Document 63, at 4.) The Court also refers the movant to this Court's October 9, 2015 *Order* (Document 427), denying the *Motion to Intervene for the Purpose of Responding in Opposition to Defendant's Request for In Camera Voir Dire Questioning of Potential Jurors and Motion for Contemporaneous Public Access to All Exhibits at Trial and Fully Published to the Jury*, filed by

the Charleston Gazette and West Virginia Public Broadcasting, Inc. Therein, the Court reiterated that there was “no legal basis for a right to intervention in a criminal trial.” (*Id.* at 2.) The Court adheres to this position, and therefore, declines to grant the motion.

Wherefore, after careful consideration and for the reasons set forth herein, the Court **ORDERS** that the *Associated Press’ Motion to Intervene for the Purpose of Moving the Court to Direct the Clerk to Provide Public Access to the Names of Jurors Seated at the Trial of this Case* (Document 511) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: December 9, 2015

  
IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA